

February 11, 2025

VIA ECF

Hon. Dora L. Irizarry, U.S.D.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: McDonald's Corp. v. Vanderbilt Atlantic Holdings LLC, No. 19-cv-6471

Dear Judge Irizarry:

Counsel for Plaintiff McDonald's Corporation and Counsel for Defendant Vanderbilt Atlantic Holdings, LLC jointly submit this letter in response to the Court's text Order of yesterday's date regarding the parties' failure to file motions *in limine* by February 5, 2025.

In accordance with the bundle rule set forth in Section IV.F.1 of Your Honor's Individual Motion Practice and Rules for Civil Cases, Plaintiff served its motion *in limine* on Defendant Vanderbilt Atlantic Holdings, LLC by the Court-ordered deadline of February 5, 2025. Please see the attached email and cover letter serving the motion papers on Vanderbilt's counsel on February 5, 2025. Plaintiff did not file the motion on that date because the Court's January 15, 2025 Order did not direct that the motions *in limine* be filed by February 5 and Plaintiff understood the bundle rule to prohibit its filing "until the motion has been briefed fully." However, in accordance with Your Honor's text Order of yesterday's date, Plaintiff will file its motion with the Court today.

Additionally, to clarify, Defendant will not be filing a motion *in limine* to exclude Plaintiff's exhibits 114, 115 and 116, which were Vanderbilt's answer with counterclaims, amended answer with counterclaims, and Second Circuit brief, respectively. The parties agreed to execute additional stipulations of fact, quoting certain portions of those pleadings and the brief. The additional stipulations obviate the need for McDonald's to enter the pleadings into evidence and McDonald's will not be seeking to use those documents at trial and will remove them from its exhibit list. Accordingly, Vanderbilt no longer needs to file a motion *in limine*. Counsel for the parties jointly informed the Court of this agreement in its February 4, 2025 letter, which enclosed a copy of the stipulation (ECF 108).

We apologize for any confusion on this issue and respectfully request that the briefing deadlines remain as those set forth in the January 15 Order, with opposition papers due on February 26, 2025 and reply papers due on March 19, 2025.

We thank the Court for its time and consideration.

Respectfully submitted,

/s/ Denise Alvarez

Denise Alvarez
Brendan M. Walsh
PASHMAN STEIN WALDER HAYDEN, P.C.
Court Plaza South
21 Main Street, Suite 200
Hackensack, NJ 07601
Counsel for Plaintiff McDonald's Corporation

/s/ Benjamin R. Joelson

Joshua D. Bernstein
Benjamin R. Joelson
Tara Raghavan
Kathleen Prystowsky
AKERMAN, LLP
1251 Avenue of the Americas, 37th Floor
New York, NY 10020
Counsel for Defendant Vanderbilt Atlantic Holdings, LLC

Encl.

From: [Denise Alvarez](#)
To: joshua.bernstein@akerman.com; benjamin.jelson@akerman.com; kathleen.prystowsky@akerman.com; tara.raghavan@akerman.com; elizabeth.puccio-williams@akerman.com
Cc: [Brendan M. Walsh](#)
Subject: McDonald's Corp. v. Vanderbilt Atlantic Holdings, Case No. 1:19-cv-06471
Date: Wednesday, February 5, 2025 5:25:00 PM
Attachments: [2025.02.05 Letter Encl. Motion in Limine to Preclude Emails.pdf](#)
[2025.02.05 NOM to Preclude Emails.pdf](#)
[2025.02.05 MOL to Preclude Hearsay Emails.pdf](#)
[2025.02.05 Alvarez Declaration in Support of Motion in Limine with Exhs. 1-6.pdf](#)
[image001.png](#)

Counsel:

Please see the attached motion *in limine*. In accordance with Judge Irizarry's bundling rule, we will file the moving, opposition and reply papers together on the reply deadline.

Regards,
Denise

Denise Alvarez

Partner
Pashman Stein Walder Hayden, P.C.

201.270.4946 Direct
dalvarez@pashmanstein.com
Court Plaza South, 21 Main Street, Suite 200, Hackensack, NJ 07601
201.488.8200 | 201.488.5556 Fax | pashmanstein.com

PashmanStein
WalderHayden
A Professional Corporation

February 5, 2025

VIA EMAIL

Joshua D. Bernstein, Esq.
Benjamin R. Joelson, Esq.
Kathleen M. Prystowsky, Esq.
Tara L. Raghavan, Esq.
Elizabeth Puccio-Williams, Esq.
Akerman LLP
1251 Avenue of the Americas, 37th Floor
New York, NY 10020

Re: McDonald's Corp. v. Vanderbilt Atlantic Holdings LLC, No. 1:19-cv-6471

Dear Counsel:

As you know, this firm represents Plaintiff McDonald's Corporation in the above-referenced matter. Pursuant to the Court-ordered briefing schedule entered on January 15, 2025, McDonald's hereby serves the following documents on Defendant Vanderbilt Atlantic Holdings LLC in support of its motion *in limine* to preclude the admission of certain emails into evidence

1. Notice of Motion *in Limine* to Preclude the Admission of Certain Emails into Evidence, dated February 5, 2025;
2. Memorandum of Law in Support of Motion *in Limine* to Preclude the Admission of Certain Emails into Evidence, dated February 5, 2025;
3. Declaration of Denise Alvarez in Support of Motion *in Limine* to Preclude the Admission of Certain Emails into Evidence, dated February 5, 2025, with accompanying exhibits.

Sincerely,

/s/ Denise Alvarez